

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

K.S., K.K., H.M., T.K., J.H., S.B., S.C.,  
T.S., C.K., D.R., L.A., & M.L.,

Plaintiffs,

v.

CITY OF PUYALLUP, a municipal  
corporation, POLICE CHIEF BRYAN  
JETER, LIEUTENANT EDWARD  
SHANNON,

Defendants.

CASE NO. 13-5926 RJB

ORDER ON PLAINTIFFS' MOTION  
TO ALLOW CROSS MOTION

This matter comes before the Court on the Plaintiffs' Motion to Allow a Cross Motion (Dkt. 40) and Defendants' Motion for Summary Judgment (Dkt. 32). The Court has considered the pleadings filed regarding the motions and the remaining record.

On September 9, 2014, Defendants filed a Motion for Summary Judgment (Dkt. 32) seeking dismissal of Plaintiffs' remaining claims. Plaintiffs filed a response to Defendants' motion and a cross motion for summary judgment in the same pleading (Dkt. 41) on September 29, 2014. Plaintiffs then refilled that same pleading two additional times and docketed it as Summary Judgment Motions (Dkts. 43 and 46). Plaintiffs noted the additional pleadings for consideration for October 26, 2014 (Dkt. 43), and for October 24, 2014 (Dkt. 46).

1 The deadline for filing motions for summary judgment was September 9, 2014. Dkt. 7.  
2 Moreover, in addition to being filed late, Plaintiffs' pleadings (Dkts. 41, 43 and 46) exceeded the  
3 page limits permitted under Local Rule W. D. Wash. 7(e)(3) by almost 10 pages.

4 On September 26, 2014, Plaintiffs filed the pending motion. Dkt. 40. They move for  
5 leave to file a cross motion for summary judgment. Dkt. 40. Defendants oppose the motion.  
6 Dkt. 45.

7 In the interest of fully considering all issues in the case, the Plaintiffs' motion for leave to  
8 file a cross motion (Dkt. 40) should be granted. Due to Plaintiffs filing of excess pages,  
9 Defendants, if they wish, may file a response of 33 pages. No further excess briefing will be  
10 considered absent a showing that such briefing is required.

11 Further, in an effort to clarify the record, all but one (Dkt. 41) of Plaintiffs' various  
12 filings of the same pleading should be stricken. Accordingly, Plaintiffs' pleadings filed as (Dkts.  
13 43 and 46) should be stricken as repetitive. Plaintiffs' pleading, (filed at Dkt. 41), should be  
14 considered their response to Defendants' motion for summary judgment and Plaintiffs' Cross  
15 Motion for Summary Judgment.

16 Finally, Defendants' Motion for Summary Judgment (Dkt. 32) and Plaintiffs' Cross  
17 Motion for Summary Judgment (Dkt. 41) should be renoted for October 24, 2014. These  
18 motions address the same or similar issues and should be considered together.

### 19 **ORDER**

20 It is **ORDERED** that:

- 21 • Plaintiffs' Motion to Allow a Cross Motion (Dkt. 40) is **GRANTED**;
  - 22 • Plaintiffs' pleadings (filed as Dkts. 43 and 46) are **STRICKEN** as repetitive; and
- 23  
24

- Defendants' Motion for Summary Judgment (Dkt. 32) and Plaintiffs' Cross Motion for Summary Judgment (Dkt. 41) are **RENOTED** to October 24, 2014.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 14<sup>th</sup> day of October, 2014.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN  
United States District Judge